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GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE 103rd MEETING

Held at Headquarters, New York,
on Monday, 10 May 1993, at 10 a.m.

President: Mr. GANEV (Bulgaria)

- Scale of assessments for the apportionment of the expenses of the United Nations [111] (continued)

- Elections to fill vacancies in principal organs [15] (continued)

(c) Election of a member of the International Court of Justice

(i) Memorandum by the Secretary-General (A/47/931)

(ii) List of candidates (A/47/940)

(iii) Curricula vitae (A/47/941)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 111 (continued)

SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS (A/47/870/Add.2)

The PRESIDENT: I should like to draw the Assembly's attention to document A/47/870/Add.2, which contains a letter addressed to me by the Secretary-General informing me that, since the issuance of his communications dated 19 January and 15 April 1993, Guatemala has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

AGENDA ITEM 15 (continued)

ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS

(c) ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE

(i) MEMORANDUM BY THE SECRETARY-GENERAL (A/47/931)

(ii) LIST OF CANDIDATES (A/47/940)

(iii) CURRICULA VITAE (A/47/941)

The PRESIDENT: In accordance with Security Council resolution 805 (1993), adopted on 4 February 1993, the General Assembly will proceed this morning to the election of a member of the International Court of Justice for the unexpired term of office of the deceased Judge Manfred Lachs of Poland.

Mr. WLOSOWICZ (Poland): I have the honour to inform the Assembly of the decision of His Excellency Professor Krzysztof Skubiszewski, Minister of Foreign Affairs of the Republic of Poland, to withdraw his candidature in the election to fill the vacancy in the International Court of Justice resulting from the death of Judge Manfred Lachs of Poland. This decision has been taken for reasons connected with Minister Skubiszewski's exercise of his present State functions. The Polish group in the Permanent Court of Arbitration which nominated him has been informed of that decision and has taken note of it. In this connection, the other national groups which nominated him are also being informed.

I wish to avail myself of this opportuniuty to convey the highest appreciation of the Government of Poland to all those States parties to the Statute of the International Court of Justice that had committed themselves to supporting the candidature of Professor Skubiszewski. I also wish to express my regrets for any inconvenience this decision might have caused to the members of the international community.

(Mr. Wlosowicz, Poland)

Finally, may I express our full support for the candidature of Mr. Géza Herczegh, Vice-President of the Constitutional Court of Hungary, in the election to fill the vacancy in the International Court of Justice.

Mr. BUDAI (Hungary): I should like to express my delegation's gratitude for the spirit of friendly cooperation exhibited in the decision to withdraw the candidacy of Professor Krzysztof Skubiszewski for the International Court of Justice. I should also like to express our sincere hope that, after the withdrawal of the candidate from Poland, the Assembly will be in a position to elect the only remaining candidate from the Group of Eastern European States, Professor Géza Herczegh of Hungary.

The PRESIDENT: In connection with the election, I should like to bring the following matters to the attention of the members of the General Assembly.

First, In accordance with General Assembly resolution 264 (III) of 8 October 1948, a State which is a party to the Statute of the International Court of Justice but not a Member of the United Nations shall participate in the General Assembly in electing the members of the Court in the same manner as the States Members of the United Nations. On this occasion, I am happy to welcome here the representatives of Nauru and Switzerland.

Secondly, I should like to confirm that at this time the Security Council, independently of the General Assembly, is also proceeding to elect one member of the Court. This procedure is in accordance with Article 8 of the Statute of the Court, which provides that

"The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court."

(The President)

Accordingly, the results of the voting in the General Assembly will not be communicated to the Security Council until one candidate has obtained the required majority in the Assembly.

Thirdly, I should like to draw the attention of the Assembly to the documents relating to the election. The Assembly has before it document A/47/931, which contains a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the General Assembly and in the Security Council with regard to the election; document A/47/940, which contains the list of candidates who have been nominated by national groups within the required time for submission, that is, by 4 May 1993; and document A/47/941, which contains the curricula vitae of the candidates nominated by national groups.

With regard to document A/47/940, which contains the list of candidates, in addition to the statement just made by the representative of Poland, I should like to inform the Assembly that the Secretary-General has received a communication dated 10 May 1993 from Mr. Krzysztof Skubiszewski of Poland, in which Mr. Skubiszewski informs him of his decision to withdraw his candidature. His name, therefore, does not appear on the ballot papers.

Fourthly, in accordance with Article 10, paragraph 1, of the Statute of the Court, the candidate who obtains an absolute majority of votes in both the General Assembly and the Security Council shall be considered elected. For the present election, 92 votes constitute an absolute majority in the General Assembly.

The General Assembly will now proceed to a secret ballot.

If on the first ballot no candidate obtains an absolute majority, it will be necessary to proceed to other ballots until a candidate has obtained that majority.

(The President)

Representatives are requested to use only the ballot papers now being distributed and to place a cross to the left of the name of the one candidate for whom they wish to vote. Votes may be cast only for the candidate whose name appears on the ballot papers.

At the invitation of the President, Miss Argueta (El Salvador), Mr. Mazlan (Malaysia), Mr. Grima (Malta) and Mr. El Amrani (Morocco) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.55 a.m. and resumed at 11.10 a.m.

The PRESIDENT: The result of the voting is as follows:

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| Number of ballot papers: | 142 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 142 |
| Abstentions: | 13 |
| Number of members voting: | 129 |
| Required majority: | 92 |
| Number of votes obtained: | |
| Mr. Géza Herczegh (Hungary) | 129 |

The PRESIDENT: Mr. Géza Herczegh of Hungary has obtained an absolute majority in the General Assembly. I have communicated the result of the vote to the President of the Security Council.

I have received from the President of the Security Council the following letter:

"I have the honour to inform you that at the 3209th meeting of the Security Council, held on 10 May 1993, for the purpose of electing a member of the International Court of Justice for a term of office to expire on 5 February 1994, Mr. Géza Herczegh obtained an absolute majority of votes."

As a result of the independent voting in the Security Council and in the General Assembly, Mr. Géza Herczegh of Hungary, having obtained an absolute majority in both organs, is therefore duly elected a member of the International Court of Justice for a term of office expiring on 5 February 1994. I take this opportunity to extend to him the Assembly's congratulations on his election and to thank the tellers for their assistance.

We have thus concluded our consideration of agenda item 15 (c).

The meeting rose at 11.15 a.m.